

REMARKS

The objection set forth in paragraph 2 has been cured.

Claim 1 calls for a block to adjust the position of data in a storage device “to account for the sampling rate of the apparatus being different than the rate of the received data.” In other words, the position of the data is adjusted, not just for any reason, but to account for the sampling rate of the apparatus being different.

It is conceded that Nishimura does not teach the sampling rate being different. See the first two lines of page 3 of the office action. This being so, Nishimura cannot teach adjusting the position of data to account for the sampling rate being different.

Nonetheless, it is observed that, in general, Nishimura teaches adjusting the position of data in the storage device. See the second to last line of page 2 of the office action. The relevancy of this observation is not understood. That is because the claim calls for adjusting the position of the data to account, not just for anything, but only to account for the sampling rate of the apparatus being different than the rate of the received data. Since Nishimura does not even teach the sampling rate being different, he cannot teach adjusting position to account for the sampling rate difference.

The office action observes, in the first full paragraph of page 3, that Byrne teaches sampling rates could be different. But, even if sampling rates are different, there is nothing that suggests changing the position of the data in the storage device to account for the sampling rate being different.

Therefore, it is respectfully submitted that the *prima facie* rejection of claim 1 is not made out.

Similarly, claim 10 calls for a storage device to adjust the position of data in response to detecting the different in frequency of the sampling clock and the incoming clock. No such operation is anywhere suggested in either reference or by any reasonable combination of the references suggested by the references themselves.

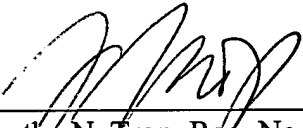
The only rationale to combine the references is that it would have been obvious “to detect the difference between the sampling rate of the incoming signal and the sampling clock” and to incorporate that into the teachings of Nishimura to compensate for oversampling. But, even if one somehow deduced this rationale, it still does not teach changing the position of the data in

response to the difference in frequency between the sample clock and the sampled data. Therefore, reconsideration of the rejection of claim 19 and its dependent claims is respectfully requested.

On a similar basis, claim 22 and its dependent claims should be in condition for allowance.

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation